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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,920	01/16/2004	Shirley Wang	12283/13	1514

26646 7590 01/31/2005

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EXAMINER	
KATCHEVES, BASIL S	

ART UNIT	PAPER NUMBER
3635	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/759,920	WANG ET AL.	
	Examiner	Art Unit	
	Basil Katcheves	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13-53* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13-16,21-27,29-36,40-49,52 and 53* is/are rejected.

7)☐ Claim(s) *17-20,28,37-39,50 and 51* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 13-16, 21, 24-27 and 29-34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,694,701. Although the conflicting claims are not identical, they are not patentably distinct from each other.

Regarding claims 13, 29, 31, 33, '701 claims first and second frame members with gripping interlocks and a temporary member (claim 1). However, '701 does not claim a screwless interlock, it claims a gripping means. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a screwless interlock, as a gripping means may work without screws.

Regarding claim 14, '701 claims male and female interlocks (claim 1).

Regarding claim 15, '701 claims the stop as part of the first interlock (claim 7).

Regarding claim 16, '701 claims the stop as part of the second interlock (claim 2).

Regarding claims 21, 24, 30, 32, 34, '701 claims a frame assembly as rejected in claim 13 above. In addition, '701 claims a pair of pins with locking ledges (claim 5) and double cleats.

Regarding claim 25, '701 claims a pair of ledges from the pins (claim 5).

Regarding claim 26, '701 claims a second interlock as being a cleat (claim 5).

Regarding claim 27, '701 claims a double cleat as the second interlock (claim 5).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21-25, 35, 36, 40-49, 52 and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,272,801 to Suh.

Regarding claim 21, Suh discloses a frame member for doors and windows (abstract) made of two halves with a screwless interlock (figs. 6a & 6b), the first interlock having a stop (fig. 6a: flat circular area behind pin), the first interlock including a pin (fig. 6: 163), the pin having a base towards first frame member (fig. 6: see section of pin closest to stop) and a ledge (fig. 6a: see front face of component 131 extending downward) extending from the pin.

Regarding claim 22, Suh discloses a second ledge extending from the pin (fig. 6a: see front face of 131 extending upward from pin).

Regarding claim 23, Suh discloses the stop as engaging an outer surface of the second interlock (fig. 6b: see front face of second interlock 162).

Regarding claim 24, claim 24 is rejected for reasons cited in the rejection of claim 21. In addition, a pair of pins (162) may be considered as being a first interlock.

Regarding claim 25, Suh discloses a pair of ledges (fig. 6a: front face of 131 extending upward and face extending downward).

Regarding claim 35, Suh discloses the second ledge as facing outward from the pin base (fig. 6a: see outward front face of component 131 above pin base).

Regarding claim 36, Suh discloses the ledges as pair of ledges as facing outward from the first frame member (fig. 6a: see outward front face of component 131 above pin base).

Regarding claim 40, claim 40 is rejected for reasons cited in the rejection of claim 21. In addition, Suh discloses the frame halves as being identical (abstract).

Regarding claims 41 and 42, Suh discloses a stop on the first interlock (fig. 6a: flat circular area behind pin).

Regarding claim 43, Suh discloses a stop on the second interlock (fig. 6b: area around 162).

Claim 44 is rejected for reasons cited in the rejection of claim 21. In addition, Suh discloses the frame members as being able to be formed from the same mold cavity as they are both identical (abstract).

Regarding claims 45 and 46, Suh discloses a stop on the first interlock (fig. 6a: flat circular area behind pin).

Regarding claim 47, Suh discloses a stop on the second interlock (fig. 6b: area around 162).

Regarding claim 48, claim 48 is rejected for reasons cited in the rejection of claim 21.

Regarding claim 49, Suh discloses the frame halves as being identical (abstract).

Regarding claim 52, Suh discloses a stop (fig. 6a: circular area near base of pin 162).

Regarding claim 53, Suh discloses the frame members as being configured to be formed from the same mold cavity, as they are identical (abstract).

Claim Objections

Claims 17-20, 28, 37-39, 50 and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 11/1/04 have been fully considered but they are not persuasive. Applicant argues that the Suh reference does not include a pin and ledge extending from the pin. However, this limitation is found in the Suh reference and addressed in the rejection above. Applicant argues that claim amended 24 is now in form for allowance. The limitations of amended claim 24 are discussed in the rejection above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK

1/20/05

BRIAN E. GLESSNER
PRIMARY EXAMINER